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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,836	04/11/2005	Massimo Brusarosco	05999.0189	8108

22852 7590 10/24/2007
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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WASHINGTON, DC 20001-4413

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

MAIL DATE	DELIVERY MODE
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10/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,836

Applicant(s)

BRUSAROSCO ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) 1-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65,69,72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 38-74 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the communication received on 8/03/2007 (the Amendment), which paper has been placed of record in the file.
2. Claims 1-74 are pending in this application, wherein claims 1-37 were cancelled.

Response

3. The examiner withdraws 35 USC 112, 2nd para. rejections on claims 38-40, 43, 51, 63, 66, 68, 69, 71, and 72. However, those rejections are maintained for claims 65, 69, and 72 because these terms (i.e., “an elaboration unit”, “a critical condition”, and “a counteraction”) do not clearly set forth in the specification (see page 17, line 12-13).

Since there is no indication in the pending claim that reflecting an election (i.e., a status of: (withdrawn) or (original) or (currently amended) for pending claims. The examiner is unclear about this response upon reading the REMARK.

In page 13, line 12 the applicants assert:

“Applicants provisionally elect Group I, claims 38-50 and 71-74, without traverse”(note about “without traverse”);

The amended claims include not elected claims 51-52, 63-64, 66, and 68-70 (see page 13, lines 14-17); and

“Applicants respectfully request reconsideration of this applicant, withdrawal of the claim rejection, and allowance of claims 38-74” (see page 18, lines 16-17).

Claim Rejections - 35 USC § 112

4. Claims 65, 69, and 72 are rejected under 35 U.S.C. 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3661

F. Claims 65, and 69 have a limitation of “an elaboration unit”, it is vague for these limitations since many factors in a vehicle are necessary (i.e., can be considered as an elaboration unit) in a vehicle (see an “example” in the disclosure, para. [0078]) .

G. Claim 72 mentions “a critical condition is being reached”, and “to cause a counteraction to control the vehicle”, the broadly claimed “a critical condition” (see the disclosure, para. [0008], [0054] [0055], [0078], and [0083], and “counteraction” (see the disclosure, para. [0009], [0055], [0078]) are vague because they are not defined in the disclosure.

The examiner also respectfully submits that there is a restriction on patentably distinct groups, as shown below:

Election/Restrictions

5. This application contains claims directed to the following patentably distinct species of the claimed invention:

A. Group I: Claims 38-50, and 71-74 are directed to a method for monitoring a tyre during running (for controlling a vehicle), with US classification 701/29.

B. Group II: Claims 51-67, and 68-70 are directed to a tyre or a wheel on a vehicle, with US classification 340/443.

These above 2 different groups are clearly different because of their pure characteristics: group I comprise claims with steps to perform a procedure, while group II describes physical components/means/apparatus/system; in addition, both groups are defined by different US classifications as shown above.

Art Unit: 3661

Applicants are required under 35 U.S.C. 121 to elect a single disclosed group for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicants must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicants traverse on the ground that the groups are not patentably distinct, applicants should submit evidence or identify such evidence now of record showing the group/species to be obvious variants or clearly admit on the record that this is the case.

Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

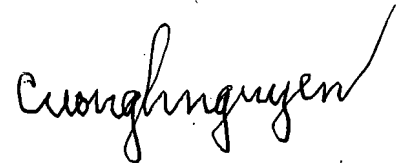
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.



CUONG NGUYEN
PRIMARY EXAMINER